



STATE OF WASHINGTON
**APPLICATION FOR CHANGE/TRANSFER
OF WATER RIGHT**

Companion to CS4-00634CTCL(A)
filed concurrently

For filing with the Department of Ecology or with County Conservancy Boards

**A NON-REFUNDABLE MINIMUM FEE OF \$50.00 PAYABLE TO THE DEPARTMENT OF
ECOLOGY MUST ACCOMPANY THIS APPLICATION**

(Check all that apply.)

- ☐ Change purpose(s) of use
☐ Add purpose(s) of use
☒ Change point(s) of diversion/withdrawal
☐ Add point(s) of diversion/withdrawal
☐ Change/transfer place of use
☐ Other (i.e. consolidation, intertie, trust water)

Explain: Per DOE request--new application **CS4-00634CTCL(B)**
for this (1879 date) filed w/ companion 634CTCL(A) (1873 date)

FOR OFFICE USE ONLY	
CHANGE NO. <u>CS4-00634CTCL(B) 569</u>	WRIA <u>39</u>
DATE ACCEPTED <u>04/29/2010</u>	BY <u>[Signature]</u>
FEE \$ <u>50.00</u>	REC'D <u>04/16/2010</u>
CHECK No. <u>12544</u>	
ECY Coding: 001-002-WR10285-000011	
SEPA: <input type="checkbox"/> Exempt <input type="checkbox"/> Not exempt	

****IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)****

1. Applicant Information:

APPLICANT/BUSINESS NAME	PHONE NO.	FAX NO.
John N. Eaton and Cristi S. Eaton, h&w	(509) 925-4351	()
ADDRESS		
473 Thrall Road		
CITY	STATE	ZIP CODE
Ellensburg	WA	98926-9758

CONTACT NAME (IF DIFFERENT FROM ABOVE)	PHONE NO.	FAX NO.
John H.F. Ufkes, Cone Gilreath Law Offices	(509) 925-3191	(509) 925-7640
ADDRESS		
P.O. Box 499, 200 East Third		
CITY	STATE	ZIP CODE
Ellensburg	WA	98926-0499

2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER	RECORDED NAME(S)
Acquavella, Sub 9, Court Claim # 00634	John N. & Cristi S. Eaton
DO YOU OWN THE RIGHT TO BE CHANGED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
IF NO, PROVIDE OWNER(S) NAME and ADDRESS:	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

CS4-00634CTCL(B) 569

FOR OFFICE USE ONLY			
APP. NO. _____	PERMIT NO. _____	CERT. NO. _____	CERT. OF CHANGE NO. _____

3. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Wilson Creek								
See # 6 below								

B. Proposed

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Wilson Creek								
See # 6 below								

DO YOU OWN THE EXISTING AND PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL?

EXISTING: ☒ YES ☐ NO PROPOSED: ☐ YES ☐ NO – IF NO, PROVIDE OWNER(S) NAME:

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.

4. Purpose of Use: November 25,1879 water right per June 15, 2005 Memorandum Opinion

A. Existing

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation	.60 cfs	52.54	April 1-October 31

B. Proposed

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
no change			

5. Place of Use:

A. Existing

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
Southeast quarter of the Southeast quarter of Section 30, (SE1/4 SE1/4 of Section 30) lying West of Interstate 82 - see attached legal description for property serviced by both water rights Exhibit A - portion of tax parcel # 17-19-30040-0002							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
SE	SE	30	17	19	Kittitas	See above	7.96
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME:							

B. Proposed

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? <input type="checkbox"/> YES <input type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME:							

Attach a detailed map of your proposed change/transfer. The map should show existing and proposed point(s) of diversion/withdrawal, place of use and any other features involved with this application. If platted property, please include a certified copy of the plat map.

Are there any ADDITIONAL WATER rights OR CLAIMS RELATED to the same property as the ONE PROPOSED FOR CHANGE/TRANSFER?	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO – IF YES, PROVIDE THE WATER RIGHT/CLAIM NUMBER(S):	

6. Remarks and Other Relevant Information:

#3 continued: Existing Point of Diversion/Withdrawal per June 15, 2005 Memorandum Opinion: Wilson Creek, 1100 ft. South and 50 ft. East of North quarter corner of Section 30, Township 17 North, Range 19 East, W.M.

Proposed: See attached comments/remarks

IF FOR SEASONAL OR TEMPORARY, START DATE ____/____/____ END DATE ____/____/____

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request.

Please contact the State Department of Revenue for further information. The phone number is (360) 570-3265. The address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477.

7. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I am hereby granting staff from the Department of Ecology or the County Conservancy Board access to the above site(s) for inspection and monitoring purposes. If assisted in the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.

John N. Eaton *Cristi S. Eaton*
John N. Eaton & Cristi S. Eaton 4/9/10
(Applicant) (Date)

John N. Eaton & Cristi S. Eaton / /
(Water Right Holder) (Date)

John N. Eaton & Cristi S. Eaton / /
(Land Owner(s) of Existing Place of Use) (Date)

IMPORTANT! APPLICATION FILING INFORMATION IS PROVIDED ON THE NEXT PAGE.

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- ☐ APPLICATION FEE NOT ENCLOSED ☐ MAP NOT INCLUDED or INCOMPLETE
☐ ADDITIONAL SIGNATURES REQUIRED ☐ SECTION _____ IS INCOMPLETE
☐ OTHER/EXPLANATION: _____

STAFF: _____ **DATE:** ____/____/____

6. (Continued Remarks and Other Relevant Information)

PROPOSED POINTS OF DIVERSION:

"Approximately 1400 feet west and 400 feet north of the Southeast corner of Section 30."

Explanation: This is new application effectively, along with its companion filing, amending the change application submitted in 2003, CS4-00634 CTCL. It was originally filed regarding two water rights which were submitted under one claim number and ultimately confirmed in the Aquavella adjudication. Court Claim Number 00634 included this November 25, 1879 water right and the neighboring September 5, 1873 water right. At the request of the Department of Ecology these water rights having different priority dates are now being submitted in two applications CS4-00634 CTCL(A) (formally an amendment to CS4-00634 CTCL) for the 1873 water right, and this new application with the assigned number of CS4-00634 CTCL(B) for this 1879 water right.

The original application was presented prior to the court issuing the Memorandum Opinion and Order for Claim Number 00634. The reason for this was that the original change application was proposed as part of an irrigation system improvement agreement with NRCS, and submitted at the same time as that for properties to the north of this property. (Those applications for change under Nos. CS4-00909 CTCL(A) @1 and CS4-00909 CTCL(B)@1 were approved on May 7, 2004).

In regards to Court Claim Number 00634, the Eatons filed an exception to the Court's initial Memorandum Opinion and Order which issued on May 20, 2004. Ultimately a Memorandum Opinion and Order: re: Objections to Proposed Conditional Final Order issued June 15, 2005. In these orders the "existing" water rights listed in these new and amended change applications were confirmed.

The Court awarded one point of diversion for all of Claim Number 00634. This 1879 water right property was unable to be serviced by the irrigation efficiencies proposal, and this application is requesting a change of point of diversion to a pump located in property next to it, also owned by the Eatons, which is also being requested to service the lower half of the companion 1873 water right property, see change application CS4-00634 CTCL(A) filed concurrently.